REMARKS

By this paper, Claims 1, 9, and 12 have been amended, Claims 16-19 have been added, and Claim 13 has been cancelled. Support for the amendments to Claims 1, 9, and 12 and for new Claims 16-19 can be found at least in the specification at pages 8-9 and 11-14. No new matter has been added by this amendment. Claims 1-12 and 14-19 are pending and presented for Examination.

Rejection of Claims Under 35 U.S.C. § 103(a)

The Examiner has indicated in the Advisory Action dated July 23, 2008 that the rejection of Claims 1-15 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Application No. 2002/0004729 by Zak in view of U.S. Patent No. 6,324,516 to Shults, et al. would be maintained.

As previously noted, Shults directed to a system in which the user is a payor, such as an insurance company, and is reviewing an itemized bill provided to the payor by a healthcare provider. The system of Shults reviews an itemized bill to determine whether the items should be flagged for payment or should be flagged for manual review to determine whether payment is appropriate.

The system of Zak is directed to a simplified handheld system for recording medical data at an accident scene. As previously noted by the Examiner, Zak does not disclose a compliance audit component as claimed.

Claim 1, as amended, recites a computerized, integrated emergency medical transportation database system comprising a medical emergency database configured to store at least clinical encounter data, patient demographic data and transport data, wherein at least a portion of the data is inputted by emergency medical personnel, and a compliance audit component in communication with the medical emergency database, wherein the compliance audit component is configured to check to ensure that data in the medical emergency database for a current encounter is consistent with a high risk compliance area, and prompt the emergency medical personnel for correction of the data where the data is not consistent.

As noted above, Zak does not teach such a compliance audit feature. Similarly, Applicant notes that Shults is directed to a system used by a payor which reviews bills and is configured to allow the payor to pay the minimum amount necessary to the healthcare provider. The review of

the bills done by Shults is a determination as to whether an entry on an itemized bill corresponds to a treatment which had been authorized by an existing agreement between the payor and the healthcare provider. If so, the bill is authorized for payment.

In contrast, amended Claim 1 is directed to a system comprising a medical emergency database which is configured to receive at least some data from emergency medical personnel, and a compliance audit which is configured to prompt the emergency medical personnel for correction of such data when it is not consistent. Because the system of amended Claim 1 is configured to prompt emergency medical personnel for correction of data, more complete and consistent information can be stored in the emergency medical database. To the extent that any review of data is done in Shults, it is done by personnel at the payor, who would be unable to provide such corrected data. Furthermore, as Shults is directed to a system for minimizing payments to healthcare providers, there would be no reason for the system of Shults to prompt to correct such data, as doing so would result in the payment of additional money to the healthcare provider. Thus, Applicant respectfully submits that amended Claim 1 is patentable over the combination of Zak and Shults.

Claim 9 has been amended to include limitations similar to those of amended Claim 1, and is patentable for reasons similar to those discussed above with respect to Claim 1. As Claims 1-8, 10-11, and 14-19 depend from at least one of Claims 1 and 9, Applicant respectfully submits that they are patentable for at least the reasons discussed with respect to Claims 1 and 9, in addition to providing further patentable distinction.

Claim 12, as amended, recites a computerized, integrated emergency medical transportation database system having a compliance filter, the system comprising a medical emergency database configured to store at least clinical encounter data, patient demographic data and transport data; a compliance filter in communication with the medical emergency database, wherein the compliance filter is configured to use a specific library of modifiable data rules to ensure that data in the medical emergency database for a current encounter is consistent with a high risk compliance area, and prompt for correction of the data where the data is not consistent or compliant; and a billing module in communication with the medical emergency database, the billing module receiving corrected data from the compliance filter, and the billing module being configured to generate a bill based at least in part on the corrected data.

Zak does not teach a compliance filter as claimed, and thus cannot teach a billing module configured to receive corrected data from the compliance filter and generate a bill based at least in part on the corrected data. Similarly, Shults is directed to a system which analyzes an itemized bill already provided to a payor. Thus, Shults cannot teach a compliance filter which provides corrected data to a billing module configured to generate a bill based at least on part on the corrected data, as any review which takes place in Shults is necessarily post-billing. Thus, Applicant respectfully submits that amended Claim 12 is patentable over Zak and Shults.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Conclusion

      For at least the above reasons, Applicant submits that each of pending Claims 1-12 and 14-15 are patentable over the cited references, and respectfully requests the withdrawal of all pending rejections and the allowance of Claims 1-12 and 14-19.

      Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

                 Respectfully submitted,

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AMEND

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